4 September 2003
English
Original: English and Spanish

Second session
Special Working Group on the Crime of Aggression
New York
8-12 September 2003

Definition of the crime of aggression and conditions for the exercise of jurisdiction

Proposal submitted by Cuba*

1. For the purpose of the present Statute, a crime of aggression is committed by a person who, being in the position of effectively controlling or directing the political, economic or military actions of a State, orders, authorizes, permits or participates actively in the planning, preparation, initiation or execution of an act which directly or indirectly undermines the sovereignty, the territorial integrity or the political or economic independence of another State, or in any other manner inconsistent with the Charter of the United Nations.

2. The Court shall exercise its jurisdiction with respect to a crime of aggression in accordance with the provisions of this Statute, including the provisions of articles 12, 13, 17 and 18. The lack of a determination by the Security Council as to the existence of an act of aggression committed by the State concerned shall not impede the exercise of the Court's jurisdiction with respect to a case referred to it.

* Revised version of the proposal by Cuba previously issued as document ICC-ASP/1/L.4.